

Minority-Owned Businesses

In 2007, minority-owned firms accounted 21.3 % of all nonfarm businesses in U.S— an increase of 45.6% from 2002.

- Firms owned by blacks increased 60%.
- Firms owned by Hispanics jumped 43%.

Geographic Area	Number of Firms in 2002	Number of Firms in 2007	Net Change	Percent Change
U.S.	3,958,610	5,762,940	+ 367,446	45.6

Source: U. S. Census Bureau, 2007 Survey of Business Owners, Released July 2010.

Characteristics of Minority-Owned Firms in U.S.

- **31% operated in the repair, maintenance, personal, and laundry service industries, and the health care and social assistance industries.**
- **10.5% operated in administrative and support, and waste management and remediation services.**
- **10% operated in professional, scientific, and technology.**
- **9.6% operated in construction.**
- **39.9% operated in “all other industries”.**

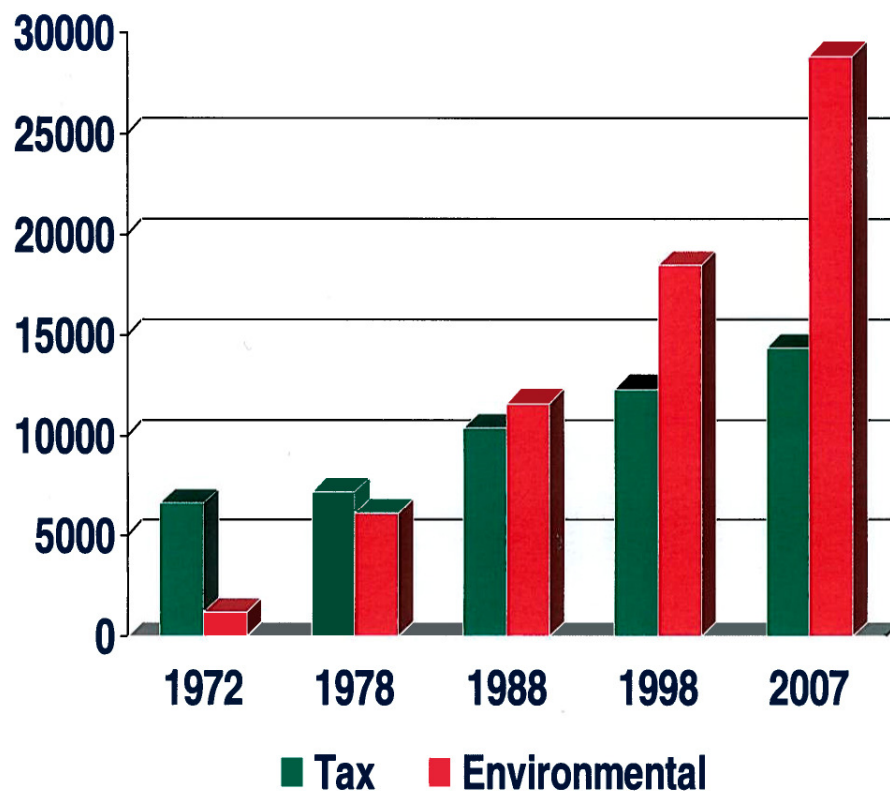
Minority Unemployment Rates

Implementation of the EPA Endangerment Finding will likely result in a significant increase in unemployment among low-wage workers – who are disproportionately Black and Hispanic.

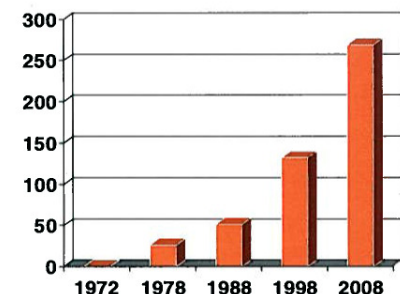
- Unemployment rates for African Americans has historically been about twice that of Whites.
- Unemployment rates for Hispanics has been significantly higher than that for Whites, but lower than that for African Americans.
- Unemployment for African Americans and Hispanics tend to increase more during recessions, and decrease less during recoveries than their White counterparts.
- The duration of unemployment tends to be longer for African Americans and Hispanics than for Whites.
- While different levels of education attainment explain some of the differences in unemployment rates, they do not account for all of the differences.

Environmental Law

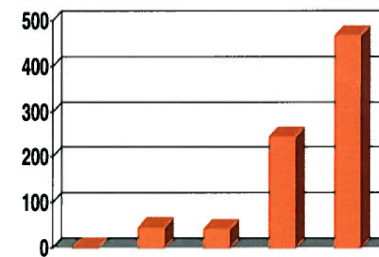
**Environmental Law:
More Complicated than the Tax Code**
(Pages in Code of Federal Regulations: Tax vs. Environmental)



■ Air ■ Water
■ Waste ■ Safety
■ Remediation ■ Other



NSPS and NESHAPS Subparts



Fuels Regulations Pages

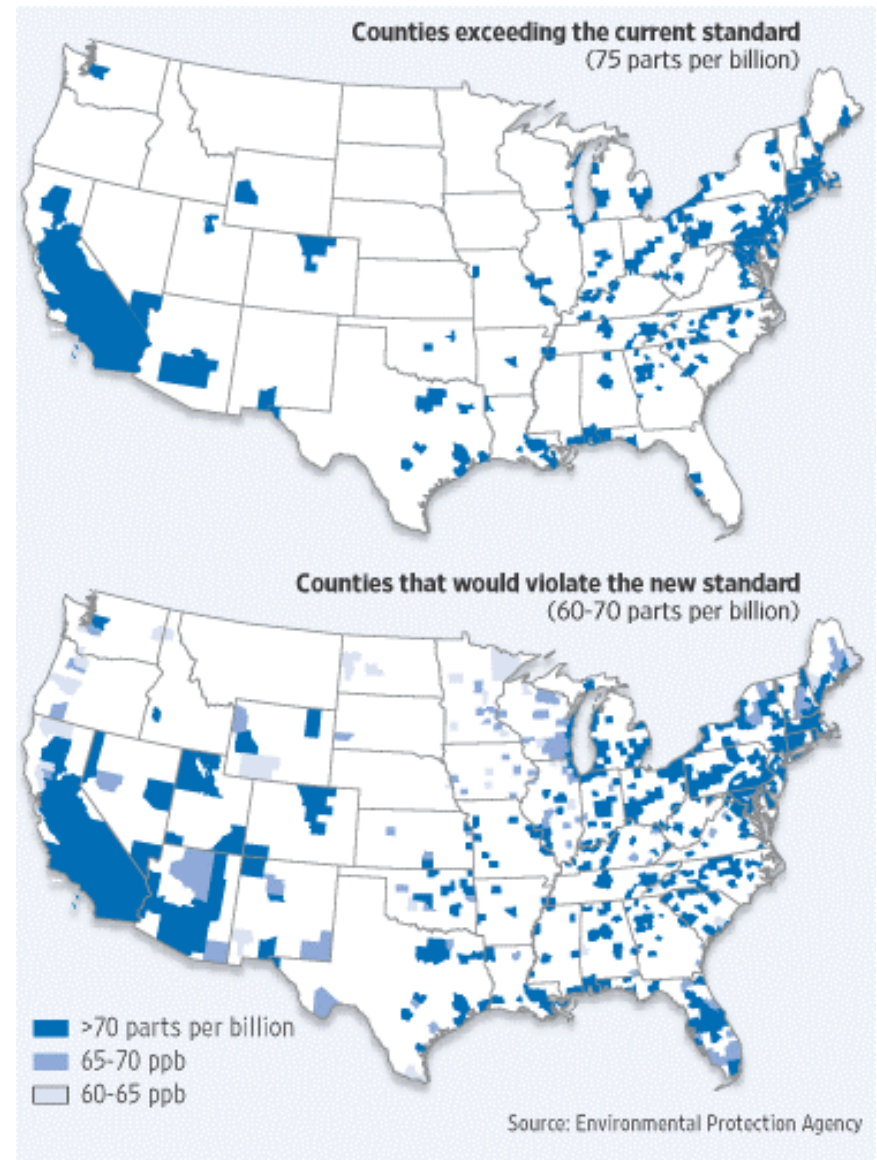
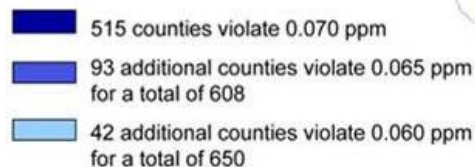
Regulatory Cascade:

EPA's 309-page Semi-annual Regulatory Agenda was last published December 7, 2009. The following items are listed as “major” rules—those likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in the CRA (5 U.S.C. 801, *et seq.*).

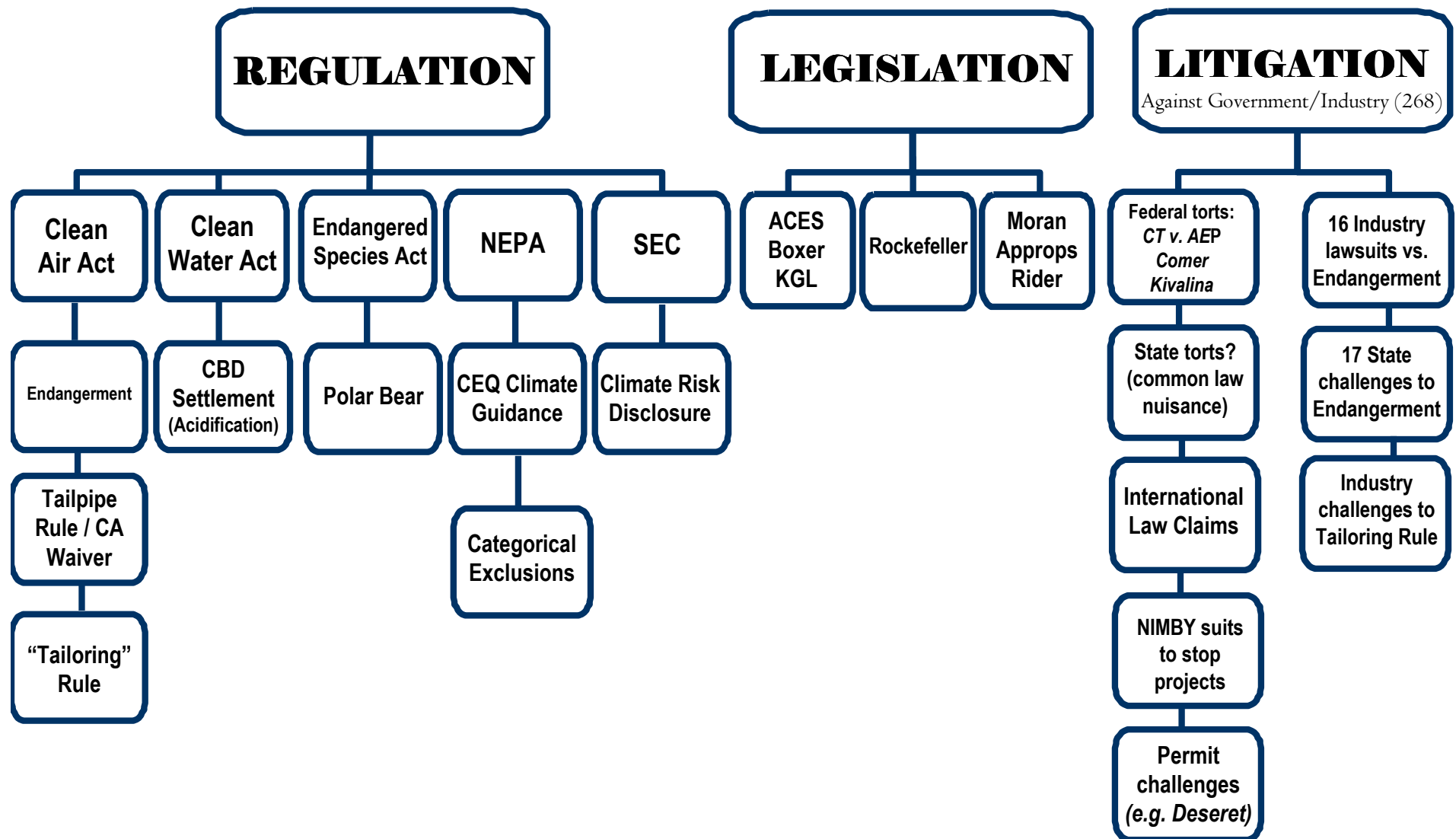
- Criteria and Standards for Cooling Water Intake Structures
- National Primary Drinking Water Regulations: Radon
- Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide Geologic Sequestration Wells
- Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers
- Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
- NAAQS Review for Carbon Monoxide
- Combined Rulemaking for Industrial, Commercial and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
- Implementing Periodic Monitoring in Federal and State Operating Permit Programs
- NAAQS Review for Particulate Matter
- NAAQS Review for Sulfur Dioxide
- Review of the Secondary NAAQS for Oxides of Nitrogen and Oxides of Sulfur
- Clean Air Transport Rule
- PSD/Title V GHG Tailoring Rule
- Reconsideration of the 2008 Ozone NAAQS
- NESHAP Portland Cement Notice of Reconsideration
- NAAQS Review for Nitrogen Dioxide
- Review of the NSPS – Portland Cement
- Renewable Fuels Standard Program
- NESHAP for Reciprocating Internal Combustion Engines
- EPA/NHTSA Joint Rulemaking to Establish Light-Duty GHG Standards and CAFÉ Standards
- NAAQS Review for Ozone
- NESHAPs for Coal- and Oil-Fired Electric Utility Steam Generating Units
- GHG Mandatory Reporting Rule
- Lead: Clearance and Testing Requirements for the Renovation, Repair and Painting Program
- Lead: Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program

Counties Violating Proposed 8-hour Ground Level Standards

Of the 675 counties that have ozone monitors, roughly 96% would violate the most stringent proposed air quality standard, based on 2006-08 air quality levels.



The Climate Change Battlefield



The Clean Air Act Regulatory “Cascade”

The trigger:

1. **Endangerment Finding** holds that GHGs cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.
2. **Auto Rule** makes GHGs “subject to regulation”

The cascade:

1. Endangerment is foundation for all future Clean Air Act regs. “If GHGs from cars endanger health and welfare, then GHGs from [insert source] do as well.” Flowing from endangerment are New Source Performance Standards and possible NAAQS.
2. “Subject to regulation” triggers permit provisions (PSD, Title V). This will have major impact on construction. “Tailoring Rule” would raise thresholds temporarily.

Short term impacts:

1. Downstream impacts (i.e. price increases) from imposition of NSPS on energy producers and requirements that they install Best Available Control Technology.
2. PSD permits for new/modified facilities, and related lawsuits.
3. Title V operating permits: fees (carbon tax on first 4000 tons), citizen suits.

Long-term impacts:

1. NAAQS for CO₂, an absolute disaster
2. PSD and Title V thresholds lowered to cover small sources.

Life Under the Tailoring Rule

Phase 1: January 2011 – June 2011

- If your facility is already subject to the NSR/PSD program for another pollutant (e.g., lead, SO₂, NO₂), and makes a modification that will result in an additional 75,000 tons per year (tpy) or more of CO₂ from the facility, then the modification will be subject to PSD for GHGs. New construction of major sources will not trigger PSD for GHGs at this time.
- If you already have a Title V permit for any other pollutant, and the Title V permit must be renewed during the Phase 1 period, you will be required to address GHG requirements when you apply for, renew or revise the permit.

Phase 2: July 2011 – June 2013

- All new construction of stationary sources with the potential to emit more than 100,000 tpy of CO₂, and all modifications (physical changes or changes to the method of operation) of stationary sources that increase CO₂ emissions by more than 75,000 tpy, will be subject to PSD for GHGs.
- If you already have a Title V permit for any other pollutant, and the Title V permit must be renewed during the Phase 2 period, you will be required to address GHG requirements when you apply for, renew or revise the permit. In addition, all sources exceeding the 100,000 tpy threshold for GHGs will need to obtain Title V permits.

Phase 3: July 2013 – April 2016

- Will do another rulemaking; threshold will not be below 50,000 tpy.

Endangerment Finding: Impacts on Minority Small Businesses

According to a 2008 National Federation of Independent Business survey, energy costs are the second biggest problem facing small business.

Black- and Hispanic-owned businesses:

- Represent a disproportionately small share of total businesses;**
- Tend to be smaller and less well capitalized than White-owned businesses; and**
- Are much more vulnerable to the economic dislocations likely to result from the EPA CO2 restrictions.**

Endangerment Finding: Impact on Energy Prices

EPA carbon restrictions would greatly increase U.S. Energy costs, and by 2030 these increases could total:

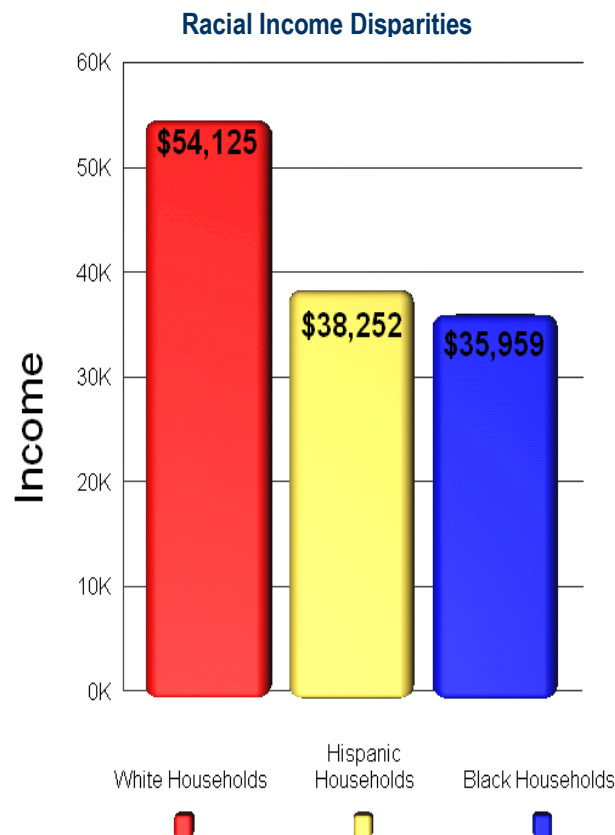
- 26% for gasoline prices**
- 50% for residential electricity prices**
- 76% for industrial electricity prices**
- 74% for residential natural gas prices**
- 113% for industrial natural gas prices**
- 755% for electric utility coal prices**

Source: ACCF-NAM Analysis of the Waxman-Markey Bill (H.R. 2454)

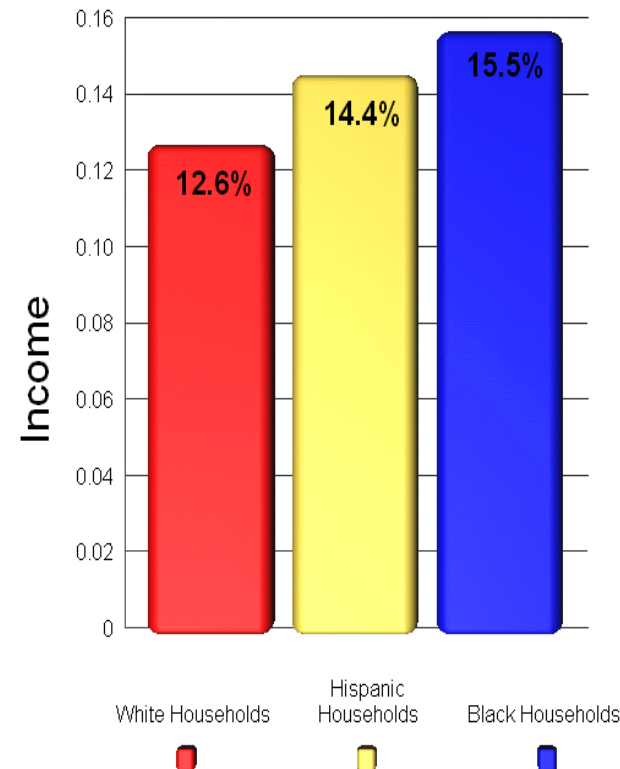
Endangerment Finding: Impact on Minority Households

EPA regulation will disproportionately impact low income groups, specifically the elderly and minorities, due to:

- Lower average incomes; and
- Disproportionate percentage of income spent on energy.



Energy Expenditures As a Percentage of After Tax Income



Source: U.S. Energy Information Administration, "Residential Energy Consumption Survey (2001)"

Small Business Jobs Act 2010

On September 27, 2010, President Obama signed into law the Small Business Act of 2010. Key provisions include:

- Extension of Successful SBA Recovery Loan Provisions —Immediately Supporting Loans to Over 1,400 Small Businesses
- A More Than Doubling of the Maximum Loan Size for The Largest SBA Programs
- **A New \$30 Billion Small Business Lending Fund**
- An Initiative to Strengthen Innovative State Small Business Programs – Supporting Over \$15 Billion in Lending
- **Eight New Small Business Tax Cuts – Effective Today, Providing Immediate Incentives to Invest:**
 - Zero Taxes on Capital Gains from Key Small Business Investments
 - Extension and Expansion of Small Businesses' Ability to Immediately Expense Capital Investments
 - Extension of 50% Bonus Depreciation
 - A New Deduction of Health Insurance Costs for Self-Employed
 - Tax Relief and Simplification for Cell Phone Deductions
 - An Increase in the Deduction for Entrepreneurs' Start-Up Expenses
 - A Five-Year Carry-back Of General Business Credits
 - Limitations on Penalties for Errors in Tax Reporting That Disproportionately Affect Small Business

Small Business Jobs Act 2010 & Minorities

•Small Business Lending Fund Program

•Section 4103 (d)(5)(I)(8)

•Eligible institutions receiving capital investments under the Small Business Lending Fund Program are required to provide linguistically and culturally appropriate outreach and advertising describing the availability and application process of receiving loans through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

•Section 4105

•Provides funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities.